S.B. CIVIL WRIT PETITION NO.5598/2006.

Ram Gopal Meena
Vs.
State and ors.

Date of Order : 29/8/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Suresh Chandra Sharma for the petitioner.
Shri BK Sharma Dy.GA for State.
Shri Ganesh Meena for respondents No.5 to 12.

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This writ petition has been filed by petitioner Ram Gopal Meena with the prayer that Government may be directed to provide him police protection for entering in his village and enjoying his properties. The allegation of the petitioner is that certain residents of the village have threatened the petitioner and his family members with dire consequences in case he entered in the village, as a result of which, petitioner and his family members have to run away from the village. Thereafter, petitioner submitted representations to the Superintendent of Police Sawai Madhopur, SHO Police Station Bamanwas, Director General of Police, Rajasthan and Home Minister on 1/12/2005 by registered post and also by courier service. Yet, no action has been taken. Petitioner filed writ petition being SBCWP No.622/2006 before this Court and it was only after issuance of the notices in that petition,

that the first information report was registered at the instance of the petitioner on 4/4/2006 with the Police Station Bamanwas for offences under Sections 143, 436, 379 and 447 IPC and ultimately challan was filed on 11/6/2006 before the court of Judicial Magistrate Bamanwas. Some of the persons who were actually accused were left by the police. The private respondents, who are residents of the village, are now preventing the petitioner and his family members to enjoy the property.

On the other hand, Shri Ganesh Meena, learned counsel for the private respondents No.5 to 12 while opposing the writ petition, argued that son of the petitioner is a history-sheeter having criminal background and number of criminal cases have been registered against his son in various police stations, two of which are murder cases. In fact, it is the petitioner and his family members who are actually harassing the natives of the village. They are not entitled to any relief from this Court especially, in the extraordinary writ jurisdiction under Article 226 of the Constitution of India.

Shri B.K. Sharma, learned Deputy Government Advocate also opposed the writ petition and argued that the police investigated the FIR registered at the instance of the petitioners and filed challan in the matter and all protection which was due shall be provided to the petitioner in case he makes a representation to that effect to the competent authority.

Registering so many criminal cases against son of the petitioner, cannot become a ground for preventing the petitioner to enter his native village and make use of his house and also enjoy the property. In the facts of the case, it is however considered appropriate to direct the petitioner to make a representation to the Superintendent of Police Sawai Madhopur as well as Collector Sawai Madhopur who shall ensure that legal rights of the petitioner are not infringed. At the same time, it is made clear that this order will not come in the way of these authorities and police or any other competent authority to take action against petitioner or any villager if any of them is found violating the law or taking the law in their hands.

With the above observations, the writ petition is disposed of.

(MOHAMMAD RAFIQ), J.

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